

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Tuesday 13th September, 2022

No. 367

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No. 95/Home/2022

Dated: 12/09/2022

NOTIFICATION

Whereas, the Hon'ble Supreme Court of India vide its order dated 20.04.2021 in Suo Motu Writ Petition (Crl.) No. 1/2017, has issued direction to carry out necessary and consequential amendments to the Police Manuals and other related instructions to be followed by each state;

And, whereas the High Court of Sikkim vide Notification No. 53/HCS dated 18/10/2021 published in the Sikkim Government Gazette No. 143 dated 5th April, 2022 has notified the Sikkim Criminal Rules of Practice, 2021 for guidance in conducting trials by the Criminal Courts in the State;

Now therefore, in compliance of the direction of the Hon'ble Supreme Court of India, the State Government is hereby pleased to make the following amendments in the Sikkim Police Manual, as under :-

**Amendment of
Chapter 26**

1. In the Sikkim Police Manual (hereinafter referred to as the "said manual", in chapter 26 :-

(i) after sub-clause (8) of clause 26.5, the following new clause shall be inserted, namely :-

(ii) after clause 26.5 and the entries relating thereto, the following new clause shall be inserted, namely:-

"26.5A- Scene Mahazar/Spot Panchanama.

(1) A site plan of the place of occurrence of an incident shall be appended by the Investigating Officers to the scene mahazar or spot panchnama.

(2) The site plan shall be prepared by the Investigating Officer by hand, and shall disclose :-

(a) the place of occurrence;

- (b) the place where the body (or bodies) was/were found;
- (c) the place where material exhibits and/or weapons;
- (d) blood stains and/or body fluids had fallen;
- (e) the place where bullet shells, if any, were found or have caused impact;
- (f) the source of light, if any and;
- (g) adjoining natural and man-made structure or features such as walls, pits, fences, trees bushes, if any and;
- (h) elevation of structures and their location.
- (3) The preparation of this sketch by Investigating Officer shall be followed by a scaled site plan prepared by police draftsman, if available, or such other authorized or nominated draftsman by the State Government, who shall prepare the scaled site plan after visiting the spot.
- (4) The relevant details in the mahazar or panchnama shall be marked and correlated in the said site plan".

**Amendment of
Chapter 36**

2. In the said manual, in chapter 36:-

- (i) after sub-clause (2) of clause 36.10, the following new sub-clause shall be inserted, namely:-

"(3) Body sketch to accompany Medico Legal Certificate, Post Mortem Report and Inquest Report,"

"Every Medico Legal Certificate, Post Mortem Report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch";
- (ii) after sub-clause (3) of Clause 36.12, the following new sub-clause shall be inserted, namely :-

" (4) Photographs and video graphs of Post Mortem in certain cases.

 - (i) In case of death of a person in police action (under Section 46 Criminal Procedure Code, 1973 ("Cr. PC") of Sections 129 to 131 Cr. PC) or death while in police custody, the Magistrate or the Investigation Officer as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases.
 - (ii) Such photograph and videographs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.

- (iii) Such photographs or videographs shall be seized under a panchnama or seizure memo and all steps shall be taken to ensure proper proof of such photographs/video graphs during trial.
- (iv) The Investigating Officer shall ensure that such photographs and videographs, if taken electronically, are seized under a panchnama or seizure memo and steps are taken to preserve the original, and also ensure that certificate under Section 65B Indian Evidence Act, 1872 is obtained and taken to be proved during trial.
- (v) The videographs or photographs shall be stored on a separate memory card, accompanied by a duly certified certificate under Section 65B Indian Evidence Act, 1872.
- (vi) Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before Court."

By Order and in the name of the Governor.

**R. Telang, IAS
Additional Chief Secretary
Home Department
File No.Home/Confdl/111/2017/34**

